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C O N F I D E N T I A L SECTION 01 OF 02 LAGOS 001781

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STATE FOR AF/W
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SUBJECT: BAYELSA GOVERNOR SERVED WITH IMPEACHMENT NOTICE

REF: LAGOS 1772

Classified By: Consul General Brian L. Browne for Reason 1.4 (D)

SUMMARY

1. (C) Barely forty-eight hours after returning to the country, embattled Bayelsa State Governor Alamiyeseigha was served with a notice of impeachment endorsed by most members of the State House of Assembly. Bayelsa's politics just moved from hot to hotter. By this move, the State Assembly initiated a process that could result in Alamiyeseigha's removal from office and his loss of immunity from prosecution. The Assembly's move probably is the result of heavy pressure from Abuja. However, Alamiyeseigha will try to mount pressure of his own to thwart the process. Not surprisingly, the seventeen pro-impeachment assembly members are not currently in Bayelsa. End summary.

BAYELSA ASSEMBLYMEN ACT WHILE IN LAGOS BECAUSE...

2. (U) Two days after Governor Alamiyeseigha jumped bail and departed the UK disguised as a woman, the Bayelsa State House of Assembly served him with a notice of impeachment. Seventeen of the twenty-four member House endorsed the action.

3. (C) The Assembly had apparently moved forward with impeachment after reviewing a report by the Economic and Financial Crimes Commission (EFCC) detailing the charges against the Governor. That the EFCC was threatening to investigate Assembly members probably gave them added impetus to take this move against the Governor. Mission sources report the Assemblymen had in fact been brought to Lagos by the EFCC for questioning over their own financial irregularities, and were compelled to endorse the impeachment or face charges of their own. The newly-designated Speaker of the House of Assembly, Peremobowei Ebibi, made the impeachment announcement in Lagos, where the House members had gathered, reportedly due to the declining security situation in Yenagoa following the Governor's return. Peremobowei and Deputy Speaker Bright Eware assumed the lead Assembly roles just over a week ago, replacing former Speaker Boyelayefa Debekeme and Deputy Speaker Jephther Foingha, Alamiyeseigha loyalists who were removed from their leadership positions but currently maintain their positions as State Assemblymen.

THE IMPEACHMENT PROCESS

4. (U) Removal of a governor is covered by Section 188 of the constitution. Now that the Governor has been served, the House of Assembly is required to resolve by motion within fourteen days whether or not to move forward on the allegations listed in the notice. Such a motion requires no less than two-thirds majority for adoption. Should the motion be adopted, the Chief Judge of the State must, at the request of the Speaker of the House, appoint a seven-member panel within seven days to investigate the charges. The investigation must be concluded within three months of the panel's appointment. If the panel concludes the allegations have been proven, the House of Assembly must, within fourteen days of receipt of the panel's report, pass a resolution, again by not less than two-thirds majority, to remove the governor from office. Therefore, unless the Governor resigns, the impeachment process could take roughly four months.

COMMENT

6. (C) This is the latest step in a battle between Governor Alamiyeseigha and the Federal Government. The Governor is clearly guilty of a litany of offenses but this struggle goes beyond legality. It is also a political one and here the two

sides may be on more equal footing. Here, the Federal Government is guilty of being unpopular while Alamieyeseigha has some genuine popularity in his state although his cachet has diminished as the news of how he escaped has been revealed.

17. (C) Comment continued: The impeachment action raises some tricky questions. While the constitution is silent regarding where the Houses of Assembly must meet, one has to wonder how long "security considerations" can keep the Bayelsa House outside of the state. The required two-thirds majority for impeachment is also critical, as a swing of only two assemblymen will be sufficient to block Alamieyeseigha's removal. Surely, the Governor will find ways to pressure Assembly members and their families. Also, the state chief justice has a role in the process and we do not know where his allegiances lie. Last, we do not know how far the Governor will go with this caper as the prospects of confrontation between his loyalists and federal law enforcement peers just over the horizon. End comment.
BROWNE